

NEW YORK, SUNDAY, MARCH 9, 1919.—Copyright, 1919, by the Sun Printing and Publishing Association.

CITY OF NEW ROCHELLE SCORES IMPORTANT LEGAL  
POINT IN ITS FIGHT AGAINST WEALTHY TAX OBJECTORS

Appellate Court's  
Decision in Ward  
Case Encourages  
Tax Officials in  
Their Attempt to  
Maintain an Equi-  
table Scale of As-  
sessments

For years the officials of New Rochelle assert certain wealthy residents of that city have been invariably successful whenever they attempted by court proceedings to obtain lower taxation. In every case the decision was against the city, and the New Rochelle authorities declare that the community has been deprived of thousands of dollars that it believed it was rightfully entitled to and that an extra burden has been thrown on those taxpayers who were satisfied with the assessments as levied by the Tax Department and who did not or could not afford to bring suit.

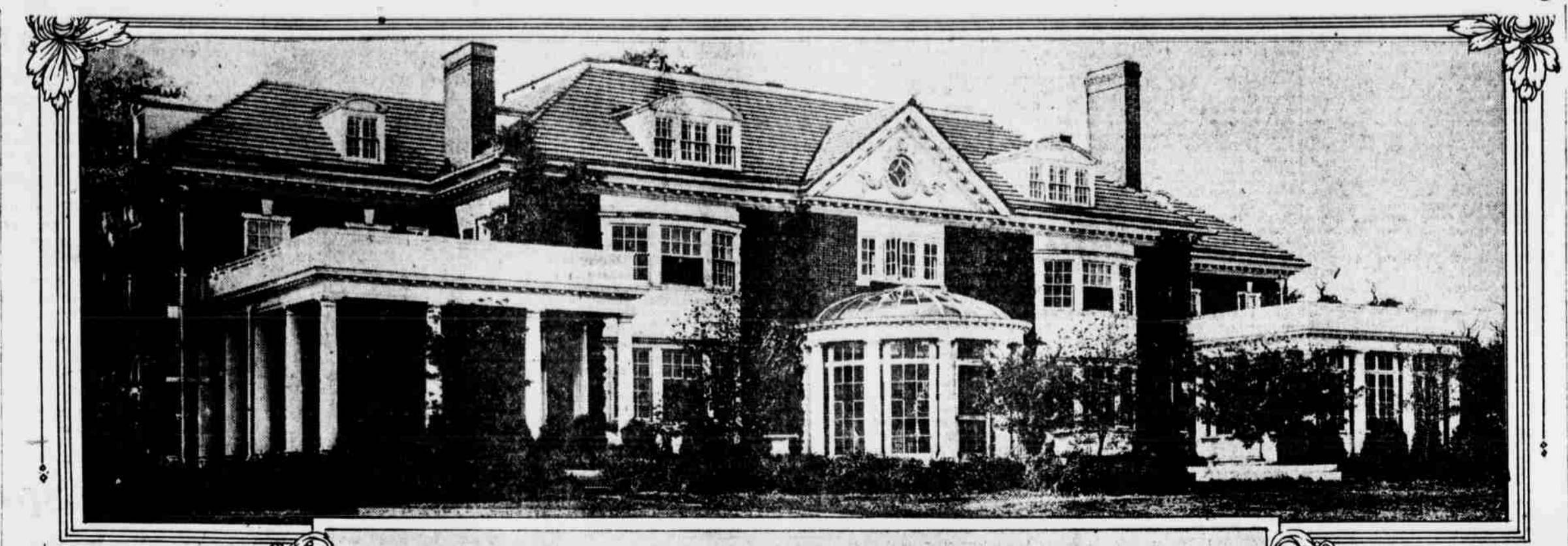
To-day the New Rochelle officials are jubilant over a decision handed down last week by the Appellate Division of the Supreme Court in the case of the late Robert B. Ward, who had been successful in obtaining a reduction of the assessment on their property of \$125,000. The court declared that it was not satisfied that the case had been fully and fairly tried, and that it seemed that the weight of evidence did not warrant any reduction of the assessment. A new hearing before the official referee was ordered.

The Ward case has been bitterly contested by the city, and the New Rochelle Common Council was so pleased with the Appellate Division's decision that it passed a vote of thanks to William L. Moran, Assistant Corporation Counsel for the city, who conducted the case. At the same meeting the Council passed a resolution directing the Corporation Counsel to appeal from every decision in which assessments were reduced.

**Appealed to Public Sentiment.**  
The Ward heirs were only one group of property holders who have in the past been successful in reducing their taxes. George W. Sutton, Commissioner of Assessment and Taxation, believed the situation such a menace to the city that last November he resorted to the unusual method of attempting to appeal to public sentiment by issuing a pamphlet in which he reviewed the facts in four of the recent tax cases against the city.

He hoped by this means to discourage the bringing of further suits, and his hopes have apparently been realized, as the number of actions pending in the Corporation Counsel's office this year has been greatly reduced. Among the suits he discussed in his pamphlet were those of the Adrian Iselin estate, the Helvetia Realty Company, of which Adrian Iselin, Jr., is president, and the estate of George W. Sutton. Iselin interests have entered suits this year to have their assessments reduced. Among those who have filed actions this year, however, are Watson H. Dickerman, an trustee of the estate of Martha B. Dickerman; John G. Agar, Mabel Naeft Crawford, Henry A. Siebrecht, the Lydia W. Thorne estate and Charles H. Young.

The Ward estate is considered ex-



HOME OF THE LATE  
ROBERT B. WARD ON QUAKER  
RIDGE, NEW ROCHELLE.

ceedingly beautiful in a section noted for handsome homes. The land is on Quaker Ridge road, on the outskirts of New Rochelle, and commands a beautiful view of Long Island Sound to the south and east and of a very attractive rural territory in other directions. The property consists of fifty-eight acres, which has been improved with shrubbery, sunken gardens and other additions.

The house itself covers considerable ground and contains twenty-eight rooms, a bowling alley, a billiard room, a modern heating plant, a fire prevention system and other modern improvements. On the estate is a large greenhouse constructed of glass and copper and a concrete milk house the interior of which is lined with white tile to the ceiling. The ceiling and the floors of this house are both constructed of white marble slabs. The milk house is equipped with a pasteurization plant.

**Outhouses Expensively Built.**  
On the estate are also a concrete pigsty, a concrete chicken house, a large farm barn, an old homestead, known as the Burlington home, and a very modern garage of similar construction to the main residence. The garage contains living apartments for four chauffeurs and their families, and has a machine shop on the main floor as well as accommodations for a number of cars. Mr. Ward purchased his property in 1911 at the rate of \$1,500 an acre, paying \$10,000 for the land and the farm buildings then on it. The latter, however, were of little value. He died in 1915, leaving in the meantime made the extensive improvements described at the trial.

In the action brought in 1917 the entire property was assessed at \$206,100. It being stipulated in the trial before Raymond E. Aldrich, as referee, that the estate within the city of New Rochelle was to be assessed during 1917 at only \$5 per cent of its actual value, the Ward heirs asked that this assessment be reduced to \$125,000.

The evidence presented before the referee consisted almost entirely of the testimony of six real estate experts as to their opinion regarding the value of the land. Three of these witnesses were retained by the city and three by the Ward heirs. The former group valued the entire tract at about \$300,000 and the latter group at about \$150,000.

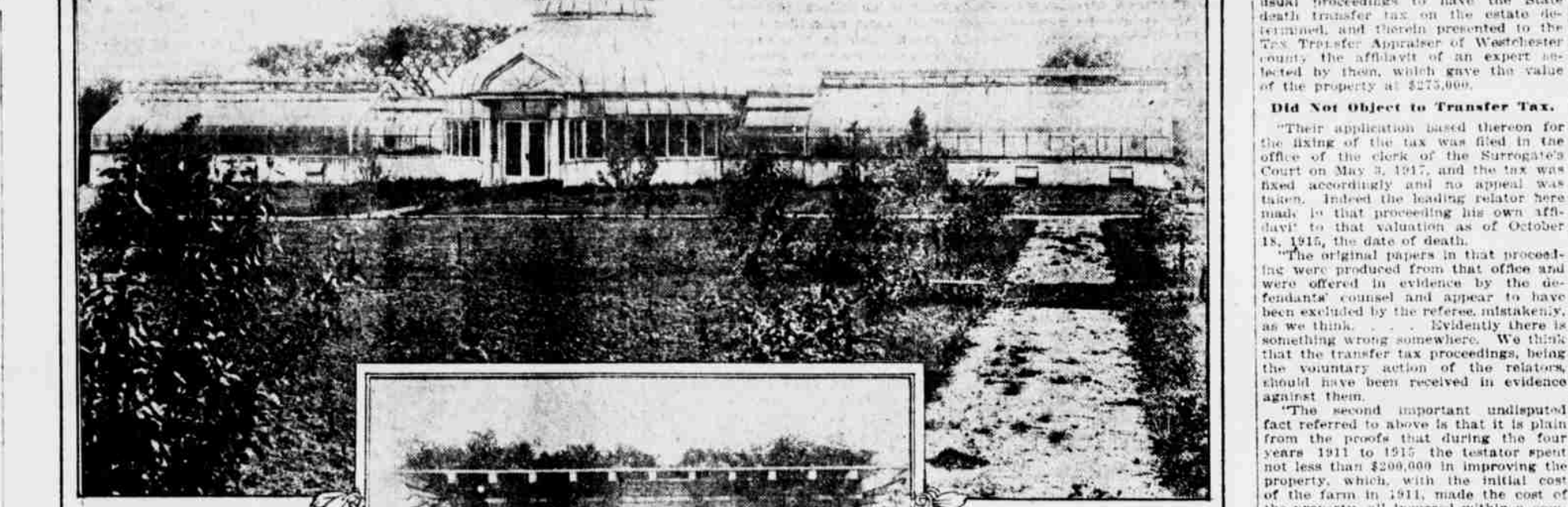
The referee decided that the assessment should be reduced to \$125,000 and awarded the costs of the proceedings and an extra allowance of \$97,231 to the Ward heirs. It was upon the final judgment entered by the referee, following the referee's report, that the city appealed the case.

**Attacks Witnesses for Estate.**  
Mr. Moran in his argument before the Appellate Division attacked the testimony of the witnesses for the estate and called the attention of the court to the answer given by William H. Hall, one of the experts, in response to a question in regard to the pergola on the estate. The witness had stated that if the pergola were taken away and that he regarded it as a blemish to the property. It also objected to the view, he said.

The Assistant Corporation Counsel declared that of the many beautiful things few could be compared to the pergola in connection with the Ward property which was situated at such a great distance from the main house that it could not be seen from the house.

Henry S. Clarke, another of the Ward experts, he said, had previously during a condemnation proceeding valued the Ward property, which includes the Ward estate, at \$330,000 an acre, and in testimony in the appealed case had valued some of the Ward property at \$125,000 an acre, although both the Ward estate and the Ward property were on the same kind of land and were owned by the same person. Such testimony, he asserted, was prejudicial and worthless.

In his opinion overruling the decision of the referee in the Ward case the Appellate Division says in part: "There are two undisputed facts appearing in the record which do not appear to us to have been fully considered by the referee's experts, the referee or



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fact referred to above that it is plain from the proofs that during the four years 1911 to 1915 the taxpayer spent not less than \$200,000 in improving the property, which, with the cost of the farm in 1911, made the cost of the property, all insured within a comparatively short time before the assessment, exceed \$400,000.

"There is nothing in the evidence or in our common knowledge to indicate that in the years between the death of the taxpayer and the assessment there had been any general depreciation in the value of such property in that locality. Indeed, we have in many instances seen the value of the property, the farm in 1911, made the cost of the property, all insured within a comparatively short time before the assessment, exceed \$400,000.

"In speaking of the improvements added to the property, the referee stated that the pergola on the estate, which the heirs contended was a blemish to the property, was situated at such a great distance from the main house that it could not be seen from the house.

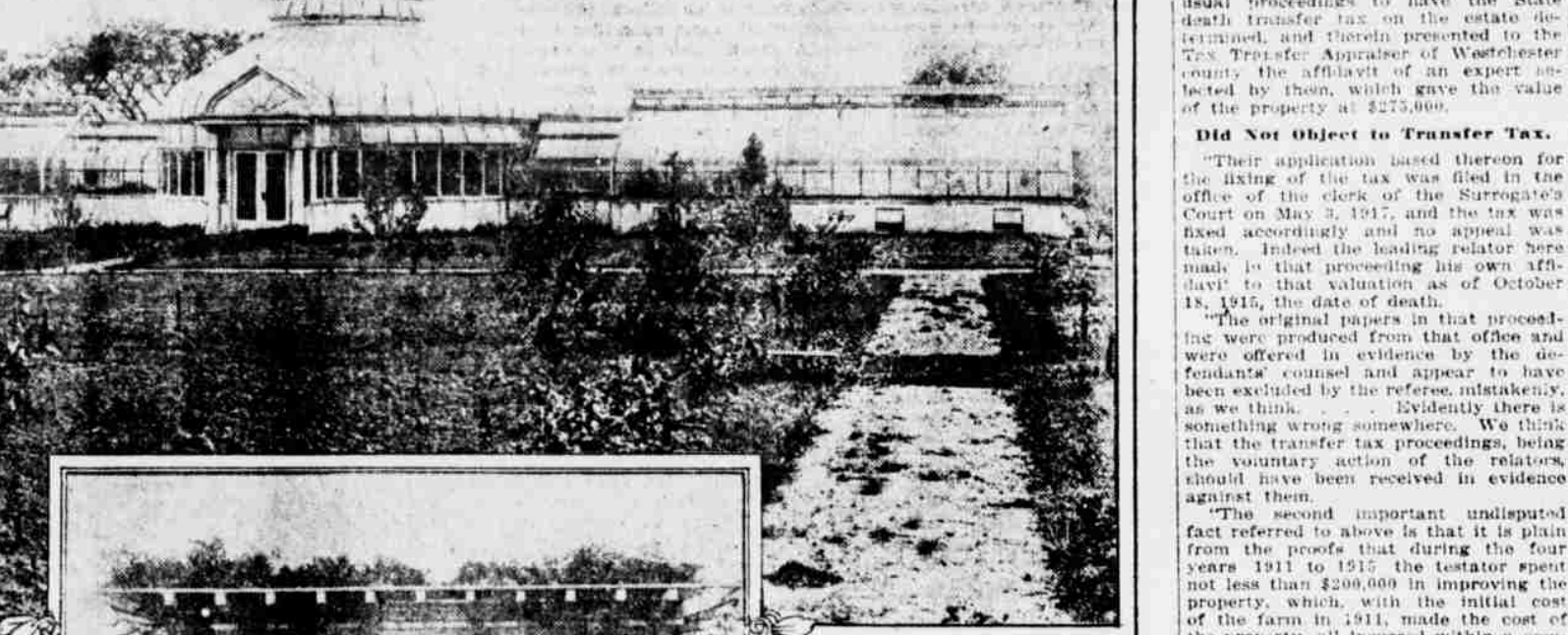
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ing to the value of the estate the court rejected the theory propounded by one of the experts for the Ward heirs, "that improvements do not as a rule add their cost to the value of the property."

"The contrary," says the court, "is clearly the general rule, namely, that improvements do add to the value at least their structural cost, although there are instances where they do not, as where some rich man, Jones, for instance, builds a mansion in an entirely inappropriate locality and it comes to be known throughout the neighborhood as 'Jones' Folly.'"

**No Evidence of Poor Judgment.**  
"We had a case of that exceptional sort before us a few years ago, where in a poor part of the city of Middletown a man constructed at great expense a fine mansion utterly inappropriate to its surroundings. There is, however, in this record no evidence to warrant the inference that this is any such instance."

The court stated in its opinion that it could not doubt that the relators could have proved the cost of the improvements if they desired to.

"Although these expenses had been so recently incurred," the court continues, "no exact proof of them was made. The defendants' counsel called the leading executor as their sole witness and attempted to prove by him the facts, but he evaded the matter, professing ignorance, which does not appear likely. We think the estimate of \$200,000 is conservative."

"It is inconceivable that a business man like the late Mr. Ward did not leave data from which the cost of the improvements so recently made and which evidently were the fact of his last three or four years, could not have been ascertained by his executors."

**Ward Lawyers Look for Victory.**  
Frederick H. Seacord of the law firm of Young, Seacord & Ritchie, attorneys for the Ward estate, has a rehearing of the other tax objectors, when asked if he had any comment to make on the decision of the court, stated that he felt confident that his client would win when the case was retried.

"In our opinion," he said, "the assessment was excessive, and I feel confident that when the case has a rehearing it will be proved that we were right."

"You no doubt realize," he continued, "that when a man makes expensive improvements to a handsome estate like those made by Mr. Ward they are made to suit his own ideas and they would not have the same value to another man as they would to the man who conceived and executed them."

"In regard to the death transfer matter, as I recollect it, the figures mentioned were in the nature of a compromise made at the time the value of the real and personal property was being appraised, and the figures do not represent the value of the property, but are in excess. I feel sure that when the case is retried any apparent inconsistencies in the testimony will be explained."

"There," I said, "Arabella! There's a beginning!"

Although we had planned to develop our idea of moving at our leisure, we had overlooked the fact that the one moving circumstance attendant upon moving is unavoidable delay.

While we had been saving the deliciousness of coming adventure, of course I had had to insist upon extra attention to my affairs. I had to get my back to health. This was the first opportunity we had had to resume our plans.

I tossed the pile of time-tables, newspaper, clippings, maps and circulars across the breakfast table.

Arabella caught them deftly.

"It's like receiving a letter," Jonathan said. "We hereby inherit the earth."

Arabella the younger paused from a long drink of milk to look at me disapprovingly over her silver mug. Her hair was starched and white, the embroidered douglings thereon wadding sedately across her small chest. I foresaw that the husband of Arabella the younger was about to have a very busy day.

"That was a pretty good catch, mother—for you," Robert commented gravely. This was followed by the alarming remark, "Here, sister, catch that!"

Arabella was quick enough to prevent a silver napkin ring from becoming an engine of destruction.

"Sh! Robert! Please be careful! Dad was only playing!"

**Task of Restraining Robert.**  
The strong white hands of Arabella were already at their daily task of restraining Robert. Though the morning had softly begun, I watched anxiously as she broke his egg into the cup, salted and peppered it, meaningly diverting him with comment on the royal tiques awaiting us all.

He watched her calmly, critically. The candor, brilliance and independence of a child's gaze, however directed, is wonderfully disconcerting to me. I looked away from my son, with his eyes fixed on his mother.

"How do you know that?"

"I just do know."

I defaulted to the mysterious home

TUBE PROJECT SPURS  
RICHMOND BUILDERS  
Cooperative Apartment Planned for  
St. George--Island Coming Into  
Own, Say Realty Men

What promises to be one of the most novel apartment houses in the entire city is shortly to be erected at St. George, Staten Island. The new building will be cooperatively owned, and the project is being financed by sixteen Staten Islanders who are anxious to experience the delights of being their own landlords.

Among the attractive features of the project is the fact that each apartment owner will have his own private garage and his own garden adjoining the building. A site has been purchased on Sherman avenue at Port Hill, and plans have been drawn up by the architect, Delano & Aldrich, architects. Construction is expected to start within the next two months.

The plot which has been secured is 150x100, and the building will be 25x50. The remainder of the plot will be used for gardens. The apartment house is to be four stories and will contain sixteen apartments, each with four rooms and bath. The building will command a splendid view of New York harbor.

Port Hill rises sharply at this point and the lower floor of the building will be some ten feet above the street level. The garages will be on the street level and their roofs will be flush with the garden. In order that they may not mar the beauty of the site the architects have planned to construct a brick wall around the entire length of the garages. A decorative iron railing will guard the street side of the promenade.

**Price of Each Apartment \$4,000.**  
Cornelius J. Koff, a prominent Staten Island real estate dealer, with offices in the Corn Exchange Bank Building at St. George, has engineered the project and has carried out all the negotiations leading up to the purchase of the site and the completion of the building plans. A meeting is to be held in his office within a few days by the prospective owners of apartments and others who would like to become owners, at which further details of the plan will be discussed. It has already been decided that the price of each apartment is to be \$4,000. The use of the gardens and garages is, of course, to be free to the owners of the apartments, but if any rentals are made tenants will pay a small sum in addition to their rent if they desire to make use of these privileges.

It is expected that the new building will be followed by others more elaborate but constructed along the same lines and cooperatively owned. Staten Island real estate men are enthusiastic over the island's future as the home of high class residential apartments. They declare that Staten Island offers the logical solution to the problem now confronting thousands of New Yorkers of finding a place to live.

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